



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

Date: April 14, 2015

To: Planning Department Hearing Officer

From: Holly Phipps, Project Manager

Subject: Willow Creek Minor Use Permit / DRC2013-00028 / Minor Modification to Staff Report

On April 14, Staff made minor revisions to the Staff Report, Findings, and Conditions of Approval, please see the attached Revised Staff Report.

If you have any questions regarding this matter, please contact Holly Phipps at (805) 781-1162.



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE April 17, 2015	CONTACT/PHONE Holly Phipps (805) 781-1162	APPLICANT Willow Creek NewCo, LLC	FILE NO. DRC2013-00028
EFFECTIVE DATE May 1, 2015			
SUBJECT A request by Willow Creek NewCo, LLC for a Minor Use Permit to allow for the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,820 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 25 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, and an increase to the limits of retail sales area. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel. The project will utilize portions of the existing access and infrastructure. The project is located on the east side of Vineyard Road, approximately 1 mile south of Adelaida Road (8530 Vineyard Drive), approximately 7.5 miles west of the community of Templeton, in the Adelaida Sub planning area of the North County Planning Area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2013-00028 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 26, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, hazards/hazardous materials, public services/utilities and water/hydrology and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 014-331-073	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Light and Glare			
LAND USE ORDINANCE STANDARDS: Section 22.30.070.2 Agricultural Processing Uses, Olive Oil Production; Section 22.62.050 Minor Use Permit Approval; Section 22.10.090 Heights; Chapter 22.18 Parking and loading; Chapter 22.20 Sign Ordinance; Section 22.10.180 Water quality, Section 22.10.120 Noise Standards; Section 22.30.075 Agricultural Retail Sales – Farm Stands; Temporary Events. Does the project conform to the Land Use Ordinance standards? Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on May 1, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Agricultural uses, dry farm olives, olive oil processing and tasting room, three residences	
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture; agricultural uses, residence South: Agriculture; agricultural uses, residence East: Agriculture; agricultural uses, residence West: Agriculture; agricultural uses, residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, CAL FIRE,, Regional Water Quality Control Board, Building Department, and Templeton Area Advisory Group	
TOPOGRAPHY: Gently sloping to moderately sloping	VEGETATION: Grasses , oak woodland, olive trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: April 22, 2014

HISTORY

On January 2, 2015, this project was approved on the Consent Agenda at the Planning Department Hearing. The project was appealed to the Board of Supervisors noticed for a hearing on March 24, 2015. Planning had requested to continue this item to April 14, 2015.

Due to a procedural error that occurred prior the original Planning Department Hearing, Staff recommended on March 24, 2015, that the Board of Supervisors remand the project back to a Planning Department Hearing. On March 24, 2015, the Board of Supervisors took action and remanded this project to the next available Planning Department Hearing.

PROJECT DESCRIPTION

The proposed project is the phased construction and expansion of an existing agricultural processing facility (olive oil and wine). The proposed project includes an agricultural processing operation which includes the ability to continue to process up to 5,000 cases of wine annually and to increase production of olives to up to 200 tons ~~of olives~~ annually. The winery ~~operation is proposed to include~~ on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. The project will utilize portions of the existing access and infrastructure. The olive oil operation is proposing to produce olive oil without using solvents that will include on-site pressing of olives and bottling of olive oils. Olives will be processed from both on and off-site olives.

The project phasing includes:

Phase I

- Construction of a 3,000 sf commercial agricultural production and storage building (wine and/or olive);
- 25 Temporary Events (upon completion of secondary access) with no more than 200 guests with amplified music.
- Processing of off-site olives.

Phase II

- Demolition of an existing agricultural barn;
- Construction of a 6,820 sf building (Replacement Barn) to include:
 - 3,091 sf wine processing ~~area~~ aq storage area;
 - 1,787 sf tasting room;

- 627 sf storage room;
- 1,315 sf commercial kitchen, and restrooms;
- Access, parking, and utility improvements;
- Conversion of the existing tasting room (in Mill Barn) into offices when the new tasting is completed (in Phase III).

Phase III

- The construction of a 2,600 sf building to include:
 - 1,900 sf tasting room and retail sales;
 - 460 sf storage, utility and circulation;
 - 140 sf office;
 - 100 sf for restrooms;
 - 1,540 sf outdoor terrace;
 - Conversion of existing tasting room (from Phase II) into storage.

• ~~Processing of off-site olives.~~

ORDINANCE MODIFICATIONS

The project includes several modifications to limitations on use and site design standards including:

1. Agricultural Retail Sales. The applicant is requesting a modification to the ordinance to allow 1,900 sf of retail sales area. Section 22.30.075.B.1 allows for modifications to the amount of floor area devoted to retail sales. A Minor Use Permit may be used to modify limitation on site design standards.
2. Agricultural Retail Sales Setbacks. The applicant is requesting a modification to the ordinance to allow a setback of 307 feet to the nearest residence outside of the ownership of the applicant (Phase II). Section 22.30.075.B.4. states Agricultural Retail Sales shall be located no closer than 400 feet to an existing residence outside the ownership of the applicant. If not possible to maintain 400 feet from a residence outside the ownership of the applicant, the setback can be modified through a Minor Use Permit.
3. Winery Setbacks. The applicant requests a setback modification (Section 22.30.070.D.2.d.1) of the minimum 200 foot setback for winery tasting room to property line requirement to allow 159-93 feet (side setback) for Phase II.

The applicant is requesting a setback modification that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307 feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use. The proposed project meets number (2) because the project fronts a collector road, Vineyard Drive. Therefore, it appears that the project would qualify for an adjustment to the setback requirement and that granting the adjustment would not result in significant land use conflicts.

Temporary Events. The applicant is requesting 25 temporary events be held on-site per year and is requesting that the event program runs in perpetuity of the land. Events will be designed to showcase Pasolivo's products to help expand their direct to consumer marketing plan. Examples of events include but not limited to: farming symposiums, culinary and art shows, wine and food symposiums, weddings, corporate dinners, and olive oil making seminars. The proposed event program is reviewed using the LUO provisions for Temporary Events (Section 22.30.610) because the events are related to the primary use on site which is olive processing.

On October 6, 2009, the Board of Supervisors adopted a resolution interpreting the Temporary Events Ordinance (Section 22.30.610 of the Land Use Ordinance). The Board of Supervisors concluded that, while a Minor Use Permit can authorize multiple events, the life of the Minor Use Permit shall be defined as part of the approval. This means that temporary events may not be authorized in perpetuity through the granting of a single Minor Use Permit.

The Board of Supervisors did not establish criteria for how long the Minor Use Permit should be in effect. Instead, this decision has been made on a case-by-case basis by the Review Authority. Previous projects have received approval for a period of between 5 and 20 years.

Since the Board has adopted this interpretation, only ~~four~~ six other temporary event authorizations have been granted. The following table compares the four-six previously approved temporary event permits:

Project	Lemm DRC2007-00176	Vogt DRC2008-00047	Waddell DRC2008-00110	Edwards DRC2008-00148	Judd DRC2009-00056	Rava DRC2010-00086
History	Residential, agricultural	Residential, agricultural	Residential, agricultural	Non-profit events	Residential, agricultural	Agriculture
Access	Local road	Arterial highway	Principal arterial	Arterial road	Collector road	Arterial road
Zoning	Agriculture	Agriculture	Agriculture	Residential Rural	Agriculture	Agriculture
Events	20, annually	12, annually	18, annually	16, annually (plus non-profit events)	20, annually	25, annually
Guests	Up to 100	Up to 150	Up to 200	Up to 200	Up to 150	250 to 1000
Life	5 years	8 years	18 years	20 years	15 years	20 years

Therefore, it appears that the project ~~would~~ require a sunset clause and for this particular site staffs agrees that life of the temporary event program at this site should be authorized in perpetuity.

In this specific case, staff recommends a 15-year time limit on this Minor Use Permit. This period is being considered, due to specific project-site characteristics:

- History – The site has been successfully operating as an olive processing facility since 2000 and a tasting room since 2007, with no code enforcement violations.
- Access – The site is located on a collector road approximately 7 miles from the community of Templeton.
- Zoning – The site is located within the Agriculture land use category. The majority of temporary event requests come in on land designated Agriculture and subject to Agriculture Element policies designed to protect agricultural production.

PREVIOUS AUTHORIZATIONS

The site currently has an olive processing mill (to process on-site olives) and a tasting room. The olive orchard is over 15 years old and includes a dozen varieties.

A Minor Use Permit (D990187P) authorized the construction of a 1,344 sf olive oil processing facility (for the processing of on-site olives) with a 244 sf covered porch. Retail sales of olive oil were not included as part of the approval.

A Building permit (PMT2004-03307) allowed the construction to build a 1,258 sf addition to the existing olive processing facility.

A Minor Use Permit (DRC2006-00061) authorized the following:

- a. A wine processing and storage facility and a wine and olive oil tasting room to be located in an existing 2,471 square foot olive oil processing and storage facility (3,775 square feet total including a 1,304 square foot outdoor use area).
- b. Special Events consisting of 6 annual events with up to 80 guests.
- c. Special events are limited to 40 days per year.
- d. Amplified music shall only be allowed from 10 a.m. to 5 p.m. No amplified music shall occur before 10 a.m. or after 5 p.m.

| The Winery Special Event program was never vested because the required secondary access was never constructed.

LAND USE ORDINANCE STANDARDS

Ordinance Compliance:

Section 22.30.070.A.2 requires a Minor Use Permit approval where any of the raw materials being processed are not grown on site of the processing facility or on adjacent parcels shall be subject to a Minor Use Permit approval.

The project is subject to Land Use Ordinance section 22.30.070.A.1 and 2, wineries and olive oil production. Section 22.30.070 sets forth standards for development including but not limited to access, setbacks, parking, design, screening, lighting and tasting rooms.

Title 22, Section - 22.30.610 - Temporary Events is an allowable use on Agriculture land subject to the land use permit required by the specific use standards in Section 22.30.610 and is subject to Minor Use Permit approval.

Olive Processing (Section 22.30.070)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Permit Required	Minor Use Permit required to process off-site olives	Processing of off-site olives proposed; Minor Use Permit submitted	Yes
Minimum Site Area	5 acres	120 acre	Yes
Parking	None, provide ample space for visitor and employees	Ample space exists	Yes
Setbacks from property lines (PL):	200 feet from property lines	New processing <u>(3,000 sf bldg. A)</u> / storage bldg. will be 244 feet from PL; Existing mill-processing bldg. is located 95 feet from PL (authorized by previous Minor Use Permit)	Yes

Olive Processing continued (Section 22.30.070)			
Setbacks from residences outside of the ownership of the applicant	No closer than 500 feet to existing residence outside of applicant ownership	Greater than 500 feet	Yes
Lighting	Lighting fixtures are required to be shielded	None proposed	Yes, as conditioned
Solid waste disposal	Pomace may be used as fertilizer or soil amendment	Pomace will be used and composted on site; project conditioned to meet this requirement	Yes as conditioned
Design Exterior	Wineries shall have an exterior design styles that is agricultural or residential in nature.	Proposed buildings for winery use / olive use have an agricultural design style	Yes
Tasting room and retail sales	Shall be incidental to primary use; on-site tasting rooms subject to Section 22.30.075 (Agricultural Retail Sales – Farm Stands, refer to attached chart)	Tasting incidental to primary use	Yes
Liquid waste disposal	Winery wastewater - standards set through RWQCB Domestic wastewater - leach lines shall be located at least 100 feet from any private well	Currently the applicant does not have a discharge permit Applicant will be required to obtain all necessary permits	Yes, as conditioned

Agricultural Retail Sales (Section 22.30.075)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Agricultural Retail Sales	Sales area limitation shall be limited to a 500 sf; unless authorized by Minor Use Permit	1,900 sf of sales area	Yes
Agricultural Retail Sales / Setbacks	<ul style="list-style-type: none"> • 50 feet from front setback • 30 feet from side setback • 30 feet from rear setback 	<ul style="list-style-type: none"> • Greater than 50 feet • Greater than 30 feet • Greater than 30 feet 	

Continued Agricultural Retail Sales / Setbacks	<ul style="list-style-type: none"> no closer than 400 feet to any residence outside of the ownership of the applicant; unless authorized by Minor Use Permit 	<ul style="list-style-type: none"> *307 feet 	Yes, modification requested for Replacement Barn (Phase II)
Parking	1 per 250 sf of structure or outdoor display area; Retail area consists of 1,900 sf; 10 spaces required;	<ul style="list-style-type: none"> 10 	Yes

Wineries (Section 22.30.070)			
Standard	Required	Proposed	In Compliance
Minimum Site Area	20 acres for wineries with special events	The subject property is not requesting winery special events	Yes
Access location	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Winery is located on Vineyard Dr. a collector road.	Yes
Setbacks from property lines (PL):	100 feet required for wine processing buildings 200 feet for Tasting Room	New processing / storage bldg. (bldg. A) is 244 feet from PL; Existing mill-processing bldg. is located 95 feet from PL (authorized by previous Minor Use Permit) Existing and previously approved existing tasting room building is 95 feet from PL; Phase II temporary tasting room <u>and relocated wine production area</u> is <u>459</u> <u>93</u> feet from PL Phase III tasting room will be 365 feet from PL.	Yes, modification requested for Replacement Barn (Phase II)
Setbacks from residences outside of the ownership of the applicant	200 feet for wine processing buildings 400 feet for tasting room	Greater than 500 feet 307 5 feet, modification required; No setback modification required for Phase III – tasting room will be 487 feet from nearest neighbor	Yes, modification requested for Replacement Barn (Phase II)

Screening	If visible from the public road wineries shall be screened.	Landscape plan submitted	Yes
Lighting	Lighting fixtures are required to be shielded	Project conditioned to meet this requirement	Yes
Solid waste disposal	Pomace may be used as fertilizer or soil amendment	Pomace will be used and composted on site; project conditioned to meet this requirement	Yes
Design Exterior	Wineries shall have an exterior design styles that is agricultural or residential in nature.	Proposed buildings for winery use / olive use have an agricultural design style	Yes
Wineries continued (Section 22.30.070)			
Tasting room	One tasting room allowed for each winery	No wine tasting occurs on site because no wine is being produced at this time Wine tasting previously approved in Mill Barn, will be relocated; applicant not requesting (2) wine tasting rooms	Yes
Liquid waste disposal	Winery wastewater - standards set through RWQCB Domestic wastewater - leach lines shall be located at least 100 feet from any private well	Currently the applicant does not have a discharge permit Applicant will be required to obtain all necessary permits	Yes, as conditioned

Temporary Events (Section 22.30.610)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Temporary Events	Allowable on agricultural land subject to Minor Use Permit	Minor Use Permit submitted	Yes
Time Limits	Events may not occur more than 12 consecutive days; Events may not occur more than 4 consecutive weekends	25 temporary events with up to 200 people	Yes, as conditioned

Temporary Events continued (Section 22.30.610)			
Located greater than 1,000 feet from land zoned single-family residence	Surrounding property zoned Agricultural	Surrounding property zoned Agricultural	Yes
Access	Provide (2) two 18 feet wide access points	Existing 18 foot wide primary access; proposing 18 to 22 foot wide secondary access; both roads connect to Vineyard Drive	Yes
Parking	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; 200 person event would require 32,000 sf	Ample space exists around existing and proposed buildings and driveway areas.	Yes
Fire Safety	To be provided by CAL FIRE	CAL FIRE has issued Fire Safety Clearance letter	Yes as conditioned
Water and Wastewater	Facilities to be provided as required by Environmental Health	Environmental Health has reviewed; permits may be required	Yes as conditioned

Miscellaneous Ordinance Sections			
Signs (Section 22.60.060)	Maximum of 100 sf of signage; one free standing or monument	(2) 40 sf monument metal plaques fastened to pilasters; (4) 4 sf directional signage markers for a total of 96 sf	Yes
Limitation on Use / Noise (Section 22.10.120)	Hourly Leq, decibels - 50 daytime, 45 nighttime Maximum level, decibels - 70 daytime, 65 nighttime	25 temporary events per year proposed Acoustical Analysis requires mitigation to meet required standards	Yes, as conditioned
Height (Section 22.10.090)	35 feet	Less than 35 feet	Yes

PLANNING AREA STANDARDS: The Adelaida sub area standards requires all land use permit applications to provide an exterior lighting plan and that all proposed lighting be shielded. The winery ordinance also requires shielded lighting. Future lighting will be required to follow the ordinance and planning area standard requirements.

COMMUNITY ADVISORY GROUP COMMENTS: Templeton Area Advisory Group supported the request on January 16, 2014. The group's areas of concern include up-lighting of signs and trees and tree removal. Conditions have been included to address these concerns.

AGENCY REVIEW:

Public Works – Stock conditions have been applied to project per referral response dated March 14, 2014; Revised referral response dated March 24, 2014 attached (Referral Response dated November 8, 2014 was in the file and was mistakenly attached to the Mitigated Negative Declaration);

CAL FIRE – See attached Fire Safety letter dated August 26, 2014, secondary access required for events; fire sprinklers required;

Ag Commissioner- Overflow parking should be located at least 100 feet from the southern property line;

RWQCB – No comments submitted; Approval of discharge from RWQCB will be necessary;

Environmental Health – An annual permit may be required for the water supply at this facility;

Building Division – Verify that all existing structures have legally approved permits; fire sprinklers may be required regardless of what fire jurisdiction may waive.

LEGAL LOT STATUS: The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Karen Nall.

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 26, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, hazards/hazardous materials, public services/utilities and water/hydrology and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed expansion of the existing agricultural process facility and retail sales does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the expansion of the existing agricultural process facility and retail sales is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Vineyard Drive, a collector road constructed to a level able to handle any additional traffic associated with the project

Winery Modifications

- G. A setback modification (Section 22.30.070.D.d.1) that requires a winery ~~tasting-with~~ public tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 3079 feet during Phase II is justified because the project is located on a collector road. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence). Implementation of the reduced setback would not result in any significant impacts. A modification that requires a tasting room during Phase II (Replacement Barn) to be located greater than 200 feet from the property line to allow ~~459-93~~ 459-93 feet side setback is justified because the property fronts a collector road (Vineyard Drive). Implementation of the reduced setback would not result in any significant impacts.

Design Modification

- H. A modification from the Design standards (Section 22.30.075.B.1) to allow 1,900 sf of retail sales area is justified because the applicant is increasing olive production is located on a collector road, and the use is incidental to the primary use. Implementation of the modification to the design standards would not result in any significant impacts.

Agricultural Retail Sales Setback Modification

- I. A modification from the setbacks that requires Agricultural Retail Sales (Section 22.30.057.B.4) to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307 feet is justified because the project is located on Vineyard Drive, a collector road. Implementation of the reduced setback would not result in any significant impacts (Replacement Barn Phase II).

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,820 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 25 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel.

Phase I

- a. Construction of a 3,000 sf commercial agricultural production and storage building (for wine and/or olives);
- b. Up to 25 one day Temporary Events with no more than 200 guests (upon completion of secondary access) as defined by the Temporary Event standards in Section 22.30.60 of the Land Use Ordinance;
- c. This authorization for Temporary Events, once vested, shall remain valid for a period of 15 years from its effective date;
- d. Continuation of a Annual wine production of 5,000 cases and an annual production of 200 tons of olives for processing;
- e. The winery may participate in periodic industry-wide events as allowed by the Land Use Ordinance;

e.f. Processing of off-site olives

Phase II

- f.g. Demolition of an existing agricultural barn;
- g.h. Construction of a 6,820 sf building (Replacement Barn) to include:
 - 1) 3,091 sf wine processing area and ag storage area;
 - 2) 1,787 sf tasting room;
 - 3) 627 sf storage room;
 - 4) 1,315 sf commercial kitchen, and restrooms;
 - 5) Access, parking, and utility improvements;
 - 6) Conversion of the existing tasting room (in Mill Barn) into offices upon completion of new tasting room; ~~(Phase III)~~;

Phase III

- ~~h.i.~~ The construction of a 2,600 sf building to include:
 - 1) 1,900 sf tasting and retail room;
 - 2) 460 sf storage room;
 - 3) 140 sf office;
 - 4) 100 sf for restrooms;
 - 5) 1,540 sf outdoor terrace;
 - 6) Convert existing tasting room in barn (from Phase II) into storage;
- ~~i. Processing of off-site olives;~~
- j. A wavier modification from the Design standards (Section 22.30.075.B.1) to allow 1,900 sf of retail sales area;

- k. A waiver modification from the setbacks that requires Agricultural Retail Sales (Section 22.30.057.B.4) to be located no closer than 400 feet to an existing residences outside the ownership of the applicant to allow 307 feet.
- l. A waiver setback modification (Section 22.30.070.D.d.1) that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307~~9~~ feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

Conditions to be completed prior to issuance of a construction permit

Fees

2. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Biological Resources

3. **BR-1 Prior to issuance of construction and/or grading permits**, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities. Any tree removal associated with CDF/County Fire vegetative clearance/modification requirements shall also be considered on the plans.
4. **BR-2 Prior to issuance of construction and/or grading permit**, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:
 - a. **Number of Trees** – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
 - i. Show replacement, in kind, of removed oaks at a 4:1 ratio (13 removed: 52 replaced) with 1 gallon saplings.
 - ii. Show replacement, in kind, of impacted oaks at a 2:1 ratio (25 impacted: 50 planted) with 1 gallon saplings.
 - iii. A total of 94 oak shall be planted, show replacement of 10 coast live oaks and 84 valley oaks.
 - b. **Location/Density** – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

- c. Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
 - d. Size – Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.
 - e. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
 - f. Maintenance – Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding of at least a three foot radius out from the planting, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).
 - g. Irrigation/Watering – Irrigation details shall be clearly shown on the plans. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period.
5. **BR-3 Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Bats

6. **BR-13 Prior to issuance of construction and/or grading permit for the appropriate phase**, to ensure the project does not adversely affect bats, the following measures shall be implemented:
- a. All trees and structures will be surveyed by a qualified biologist at least one week prior to branch trimming, tree removal, demolition or maintenance to a structure. This is consistent with the measures prescribed for nesting birds. If a bat is discovered, it will be allowed to leave the area or structure on its own without further disturbance. If a day roost is discovered, exclusion methods may be employed September 1 through March 1. Exclusion methods must ensure that no bats are harmed or trapped in the process and that the biologist is present during the process. Once the bat(s) has left the work area, exclusion methods such as covering the cavity with netting or sealing it with concrete may be feasible, but will require approval and oversight by the project biologist. If a day roost is discovered, no exclusion methods shall be employed and no disturbance shall be allowed March through August.

Health Department

7. **Prior to issuance of a construction permit** for the appropriate phase, the applicant shall obtain the appropriate Health Department permits. The Health Department will require at a minimum the following information:
- a. A Hazardous Materials Questionnaire.

- b. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.
- c. The applicant shall require a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
- d. If water is made available to 25 or more employees at any one time, or to members of the public, then the applicant shall be required to have public water supply system.
- e. The applicant shall submit a site plan showing the location of water wells and the distance from wastewater systems.
- f. **(W-1) Prior to holding any temporary events**, the applicant shall contact the Environmental Health Department to verify water supply adequacy and potability as for the proposed project. The applicant shall contact the Environmental Health Department to determine if an annual permit will be required for the water supply at this facility.

Conditions required to be completed at the time of application for construction permits

Access

8. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Drainage

9. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
10. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Site Development

11. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, preliminary grading plan and landscape plan.

Services

12. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Fire Safety

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CAL FIRE/County Fire Department for this proposed project and dated August 26, 2014.

Agricultural

14. **AG-1 At the time of application for construction permits**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicated the following and development shall be consistent with the revised and approved plan.

- a. Event overflow parking shall be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation.

Visual

15. **V-1 At the time of application for construction permits**, submit a revised lighting plan to the Department of Planning and Building for review and approval. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. No up-lighting of any oak trees and signs.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

Access

16. **Prior to occupancy or final inspection**, the Vineyard Drive primary driveway approach shall be constructed in accordance with County Public Improvement Standard B-1e. The secondary access driveway is to be constructed to a B-1 Standard. All driveway approaches constructed on County roads shall require an encroachment permit.
17. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Waste Water Discharge Permit

18. Prior to final inspection of Phase I, the applicant shall submit documentation of a Waste Water Discharge permit, or waiver for the olive processing and winery processing issued by the Regional Water Quality Control Board.

CAL FIRE

19. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Planning and Building Inspection

20. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Oak Trees

21. **BR-4 Once trees have been planted**, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
22. **BR-5 Prior to final inspections or occupancy, whichever occurs first**, replacement trees shall be installed or bonded for in compliance with the approved tree replacement plan. If bonded for, installation shall be completed within 60 days of bonding.
23. **BR-6 Prior to final inspections, or prior to release of bonding (if applicable)**, the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked "weed mat" (covering at least a three-foot radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for

each new plant. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed-mat.

On-going conditions of approval (valid for the life of the project)

Time Frames

24. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
25. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Access

26. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Storm Water Control

27. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Noise

28. **N-1** During Temporary events that include amplified music, the owners shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance.
- a. Replacement Barn (doors open) – meets the County noise standards for day and nighttime events with the following mitigation:
 - i. South doors shall be closed
 - ii. North doors can remain open
 - b. Outside, North of Barn- referred to as North Outdoor Terrace – meets County noise standards for day and nighttime events with mitigation.
 - i. Sound system – speakers shall be against north facing building façade and directed to the north
 - c. Tasting Terrace – meets County daytime standards with mitigation
 - i. Orient sound system to the north.

Events

29. **N-2** The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:

- a. A complete listing of all scheduled events including dates, times and number of attendees;
- b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
- c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
- d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

30. Temporary Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.

31. Temporary Events shall last no more than one day each; however, rehearsals may occur the day prior and are not considered an event.

Developmental Burning

32. The APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Recycling

33. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Gate

34. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be setback a minimum of 75-feet from the nearest edge of traveled way of any road open to public traffic. All gates must conform to CAL FIRE requirements.

Outdoor Storage

35. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.

Pomace

36. Solid vegetable waste from the winery (pomace) and olive facility (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.
37. Any water tanks associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.
38. **BR-7** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, **on an annual basis**, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator **one year after the initial planting** and thereafter **on an annual basis** until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
39. **BR-8** The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.
40. **BR-9** Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.
41. **BR-10** All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
42. **BR-11** Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within the fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots

within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

43. **BR-12** To minimize impacts to the sensitive oak woodland understory habitat (e.g. maritime chaparral, coastal scrub), the applicant agrees to the following during construction/ tract improvements and for the life of the project:
- a. All native vegetation removal shall be shown on all applicable grading/ construction plans, and reviewed/ approved by the County (Planning and Building Dept.) before any work begins.
 - b. Vegetation removal of native habitat shall be limited to what is shown on the county-approved grading/construction plans.
 - c. Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CDF/County Fire. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).

Commercial Kitchen

44. This approval does not allow the commercial kitchen to function as a restaurant (limited food service facility). The commercial kitchen is established as a secondary use to support the agricultural processing facility (olive oil and wine) and other permitted events and not function as a stand-alone restaurant where made to order meals are served.